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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,254	03/27/2001	Naohito Takae	1614.1155	7682
21171	7590	10/19/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LAMBRECHT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,254

Applicant(s)

TAKAE ET AL.

Examiner

Christopher M. Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's failure to adequately traverse facts Officially noticed in the previous Office action constitutes an admission of the facts noticed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 5, 7, 9, 11, 13, and 15** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0095791 by Susskind (hereinafter "Susskind").

Regarding **claim 5, 7, 9, 13, and 15**, Susskind discloses a control information management system (fig. 2), corresponding method, corresponding computer readable medium storing procedures comprising a program, and corresponding server, that collectively manages control information (scheduled recording reservations, ¶0035-6) for controlling a control object (recording hardware as disposed in recording device 20, ¶0029), the control information management system comprising (as applied to aforementioned corresponding forms):

a control information producing unit (Internet Remote Control Host Server 24) that produces the control information (scheduled recording settings) in compliance with an instruction from a user (¶0012,6);

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a control condition check unit (24, referenced as 32 in description of fig. 3) that collects check information (whether new settings have been applied to user's account, ¶0043) used for checking a control condition contained ("update available" data bit flag, ¶0047) in the control information, and checks whether or not the control condition is satisfied based on the check information (i.e., whether changes have been made, ¶0047);

a control information transmission unit (24) that transmits the control information via a network (22) from a server (24), based on a check result of the control condition (¶0038);

a control information reception unit (20) that receives the transmitted control information via the network (22) from the server (24) situated at a remote site (fig. 2 illustrates spatial relationship between video recording device 20 and remote server 24);

a control unit (20) that selects a control object (recording hardware as disposed in recording device 20, ¶0029) corresponding to the received control information, and controls the selected control object in accordance with the received control information (¶0049, as applied to analogous elements in fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 6, 8, 10, 12, and 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind in view of U.S. Patent Application Publication No. 2003/0088872 by Maissel et al. (hereinafter "Maissel).

Regarding claims 1, 6, 8, 10, 12, and 14, Susskind discloses a control information management system (fig. 2), corresponding method, corresponding computer readable medium storing procedures comprising a program, and corresponding server that collectively manages control information (scheduled recording reservations, ¶0035-6) for controlling a control object (recording hardware as disposed in recording device 20, ¶0029), the control information management system comprising (as applied to aforementioned corresponding forms):

a control information producing unit (Internet Remote Control Host Server 24) that produces the control information (scheduled recording settings) in compliance with an instruction from a user (¶0012,6);

a control information alteration unit (24) that collects alteration information (new program schedule information, received from 23, ¶0035) for altering the control information (i.e., program information, as periodically updated, is used as the basis for establishing record reservations, i.e., control information, where adding, removing, or editing by a user of said user's scheduled recording list, ¶0036, constitutes altering the control information), and alters the control information (i.e., scheduled recordings) in accordance with the alteration information in response to permission sent from a mobile communications terminal of the user (21, ¶0031,5-6);

a control information transmission unit (24) that transmits the control information (¶0038) via a network (Internet 22, described in reference to Internet 11 and analogous components, fig. 1, ¶0031);

a control information reception unit (20) that receives the transmitted control information (¶0038);

a control unit (20) that selects a control object (i.e., recording hardware and associated components as disposed in recording device 20, ¶0029) corresponding to the received control information, and controls the selected control object in accordance with the received control information (¶0049, as applied to analogous elements in fig. 2).

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Susskind fails to disclose sending a message via email to the mobile communication terminal of the user.

In an analogous art, Maissel discloses sending a message (alert to remind viewer to record a program, ¶0195, where the alert is a component of the user's customized program guide, ¶0150) via email (customized program guide delivered to user via email, ¶0209) to a mobile communications terminal of a user (¶0211), for the benefit of automatically apprising the user of upcoming programs that may be of interest to the user (¶0183).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Susskind to include sending a message via email to the mobile communication terminal of the user, as taught by Maissel, for the benefit of apprising the user of newly scheduled or previously overlooked upcoming programs that may be of interest to the user so that they may be scheduled for future recording, thus providing a more user-friendly remote-access DVR system.

As for **claims 2 and 3**, Susskind and Maissel together disclose the method as described in claim 1, wherein altering the control information comprises:

collecting alteration information (see discussion of Susskind with respect to rejection of claim 1, above);

notifying the user that the control information needs to be altered based on the collected alteration information (see discussion of Maissel with respect to rejection of claim 1); and

altering the control information upon receipt of the permission from the user (see discussion of Susskind with respect to rejection of claim 1, above).

Susskind and Maissel fail to expressly disclose requesting permission to alter the control information.

Official notice is taken of the fact that it is well known in the art to request permission to alter/update scheduled recording information (i.e., prompting a user to confirm the scheduling of a future

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recording prior to entering the request into a recording schedule and wherein confirming acceptance of said reservation constitutes confirmation that said control information be transmitted to said control object, in order for said reservation to be carried out), thus providing the user an opportunity to verify the accuracy of future recording request prior to storing the record request in memory and reducing the likelihood that the user will mistakenly schedule unwanted future recordings.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Susskind and Maissel to include requesting permission to alter the control information for the benefit of providing a more user-friendly scheduled recording interface.

As for **claim 4**, Susskind and Maissel together disclose the method as claimed in claim 1. However, Marsh fails to disclose the step of notifying the user of an abnormal state of the control object, when no control information reception acknowledgement is sent from the control object after the transmission of the control information to the control object.

Official notice is taken of the fact that it is well known in the art to notify a user when a device to be controlled fails to respond to control information in an expected manner for the purpose of informing the user that a desired task may not be carried out due to technical problem and thus enabling the user to take appropriate action.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Susskind and Maissel to include notifying the user of an abnormal state of the control object, when no control information reception acknowledgement is sent from the control object after the transmission of the control information to the control object, for the benefit of providing a more user-friendly scheduled recording interface.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

cml


**HAITRAN
PRIMARY EXAMINER**